

Courts debate returning Hatcher, Jacobs to N.C.

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Staff Writer

Courts in California and New York have not yet decided what to do with Eddie Hatcher and Timothy Jacobs, two Tuscarora Indians who took 20 hostages at a Lumberton newspaper office last February.

A federal court hearing was held Monday in California to determine whether Hatcher will be brought back to North Carolina and tried on the federal charge of unlawful flight or turned over to state authorities in California, said Barry Nakell, UNC law professor and one of Hatcher's attorneys. Hatcher will go back to

court on March 27.

Hatcher was placed in custody of the FBI after he attempted to attain political asylum at the Soviet Embassy in San Francisco last week, said Ronald Kubly, one of Hatcher's attorneys in New York.

Jacobs is in custody in New York with an appeal pending on the ruling of a N.Y. judge to extradite him to North Carolina. A hearing was held Monday to determine whether he should be released on bond, Nakell said.

N.Y. officials had given Jacobs a temporary stay of extradition that

expired Monday, said Lewis Pitts, an attorney representing Jacobs.

Pitts and his colleagues submitted papers to prolong the stay, believing a N.Y. magistrate made an error in deciding to release him to N.C. officials. Pitts is affiliated with the Christie Institute South in Carrboro.

Jacobs' request for an extradition stay in New York was denied Tuesday. He now must return to North Carolina to be tried on the kidnapping charges, said Alan Gregory, a staff attorney for the Christie Institute South.

Attorneys have filed a civil rights lawsuit to have the kidnapping

charges dismissed, in hopes his case will not have to be tried in North Carolina.

"We submitted evidence in testimony demonstrating that Timothy Jacobs' life would be in jeopardy if he were sent back to North Carolina," Pitts said. Jacobs' life would be endangered because he has accused Robeson County sheriff Hubert Stone and his son of involvement with drug traffickers, he said.

The problems between officials and minorities in Robeson County need to be exposed, Pitts said. "That would turn the light on."

"The easiest way to turn that light off would be to kill Timothy Jacobs, and that's what we're afraid would happen."

Both Hatcher and Jacobs were acquitted in October on federal charges of conspiracy to take hostages, possession of unregistered firearms and several other charges. They were later indicted on state charges of 14 counts of second-degree

kidnapping.

The maximum punishment for each count is 30 years in prison, Nakell said.

Hatcher, 31, and Jacobs, 20, took over the office of The Robesonian newspaper on Feb. 1, 1988, and demanded to speak to Gov. Jim Martin about acts of injustice toward blacks and Indians by Robeson County officials.

Ruling sets guidelines for drug tests

From Associated Press reports

WASHINGTON — The Supreme Court, establishing guidelines to test for drug and alcohol abuse in the American workplace, on Tuesday approved mandatory tests for some workers entrusted with public safety or who are in sensitive government jobs.

The justices, voting 7-2, upheld federal regulations forcing railroad

workers involved in accidents to undergo blood and urine tests. By a separate 5-4 vote, the court ruled that the U.S. Customs Service can order urine tests for employees seeking drug-enforcement jobs or positions that require they carry firearms.

The court ordered further lower court hearings to determine whether the Customs Service rules also should apply to workers with access to classified information.

While the two cases do not deal with random drug testing, the court gave government officials and regulators broad powers to require tests for workers in sensitive jobs.

Bush administration officials hailed the rulings. Union officials who had challenged the mandatory tests said they were disappointed, but some expressed hope that the impact would be limited.

Justice Anthony Kennedy, writing for the court in both cases, said such tests do not violate workers' privacy rights even though they may be conducted without a court warrant or suspicion that an individual is

using drugs or alcohol.

While the rulings do not directly affect most private employment, they will likely encourage private employers who impose, or plan to impose, such tests.

If anything, there is less protection for workers in private jobs because the Constitution's guarantees of privacy generally only restrict actions by government officials.

Tuesday's rulings directly affect other drug and alcohol testing programs conducted by federal, state and local governments. For example, they could be used to support testing of police and firefighters.

In the railway workers case, Kennedy said, "The government interest in testing without a showing of individual suspicion is compelling. Employees subject to the tests discharge duties fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences."

In the companion case, Kennedy said waging a war on drugs demands that Customs workers in key jobs be

fit and immune to bribes or blackmail.

"The Customs Service is our nation's first line of defense against one of the greatest problems affecting the health and welfare of our population," he said. "The government has a compelling interest in ensuring that front-line interdiction personnel are physically fit and have unimpeachable integrity and judgment."

Justice Thurgood Marshall, in a dissenting opinion in the railway workers case, said the court was bowing to momentary public pressure.

"The majority's acceptance of dragnet blood and urine testing ensures that the first, and worst, casualty of the war on drugs will be the precious liberties of our citizens," he said.

Attorney General Dick Thornburgh hailed the decisions.

"What the Supreme Court tells the American people today is that federal officials have been acting properly in pressing our fight for a drug-free federal workplace," he said.

Democrats prepare for wage bill

From Associated Press reports

WASHINGTON — House Democrats worked Tuesday on a counterproposal to President Bush's demand for a training wage as part of any increase in the minimum wage, drafting a provision that falls far short of what the White House insists is its last offer.

The White House, in a signal to Capitol Hill the day before the planned start of House debate on a minimum-wage bill, declared the president has enough support to sustain a veto if the Democratic-controlled Congress sends Bush a measure he cannot accept.

The House is expected to take up the bill on Wednesday and Thursday, and Republicans plan to offer Bush's proposal during the amendment phase of the work. Just how many other amendments would be allowed was the subject of a House Rules Committee meeting Tuesday.

The Democratic version would allow employers to pay a subminimum wage for just 30 days compared with the six-month period in the Bush administration plan.

It also has a much narrower scope, allowing employers to pay the training wage only to newly hired people who have held a job for less than 30 days in the previous 12 months.

Bush's proposed training wage of \$3.35 an hour would apply to any worker hired by an employer for the first time regardless of prior experience with other companies.

Democratic sponsors of the House bill, which would raise the minimum wage to \$4.65 per hour by 1992, settled on the parameters of a training wage proposal Tuesday after several days of discussions, according to the aides of several congressmen involved in the talks.

Rep. Austin Murphy, D-Pa., plans to offer the proposals during consideration of amendments to the measure, the aides said.

Murphy's proposal, barring any last-minute changes, would establish a training wage of \$3.35 an hour for 1990, when the House bill would increase the minimum wage from its current level, also \$3.35, to \$3.85.

In subsequent years the training wage would be 85 percent of the minimum wage, which under provisions of the House bill as it now stands would rise to \$4.05 on Jan. 1, 1991, and then to \$4.65 on Jan. 1, 1992.

Bush has informed Congress that he would sign legislation raising the minimum wage to \$4.25 an hour by 1992, but that he would not support a higher amount and that his support for the more modest proposal hinges on the six-month training provision.

Democrats have conceded privately that they may have to give up more on the issue of a training wage in later negotiations with the White House.

On Tuesday, Labor Secretary Elizabeth Dole presented Bush with a letter signed by 35 Republican senators who promised to side with him if he vetoed legislation because it increased the minimum higher than \$4.25 or did not have a training wage provision acceptable to the president.

If that support holds up, Democrats will be unable to override the veto in the Senate.

The sponsor of the House bill, Rep. Augustus Hawkins, D-Calif., has agreed to adding a training wage despite his longstanding opposition to such proposals.

NASA administrator submits resignation

From Associated Press reports

WASHINGTON — James Fletcher, who reluctantly agreed to become head of NASA just after the Challenger accident in 1986, announced Tuesday that he is resigning effective next month.

Fletcher, 69, submitted his resignation to President Bush and said he would leave the National Aeronautics and Space Administration April 8.

"It has been a pleasure to serve you, both in your capacity as vice president and in recent weeks as president," Fletcher said in his letter of resignation. "I look forward to an eminently successful Bush presidency."

Fletcher first served as NASA administrator from April 1971 to May 1977. In May 1986, after the January Challenger accident in which seven astronauts were killed, then-President Reagan asked Fletcher to return to the job until the shuttle program was restored.

Fletcher said at the time that he was taking the job reluctantly, but that he felt an obligation.

He supervised the long effort of NASA to redesign the flawed rocket engine that caused the Challenger accident and helped to develop a new management system that puts a greater emphasis on quality control and safety for the shuttle program.

The space shuttle returned to flight last year, and the third post-Challenger flight was successfully concluded on Saturday. Fletcher said Tuesday he now feels he can "safely place the leadership of NASA in another's hands."

Following the Discovery launch last week, Fletcher told reporters that he wanted to retire and that President Bush had not named a successor.

Fletcher said then that White House officials told him a new NASA chief would be selected soon, but he added that such promises had been made before and not fulfilled.

With a total of nine years, spread over two tenures, Fletcher has been administrator of NASA longer than any other person.

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